



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2001/NGO/30
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).



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Rwanda

Since late 1996, the Rwandan government has ordered tens of thousands of persons to leave their homes and take up residence in officially-designated "villages" known as *imidugudu*. In some cases homeowners have been obliged to destroy their own homes before moving to the *imidugudu*; in others landholders have been obliged to cede their fields to serve as building sites. Persons unwilling to move and those critical of the policy have been subject to harassment, imprisonment, and fines by government officials.

Established without any form of popular consultation or act of law, this policy of rural resettlement decreed a drastic change in the way of life of approximately 94 per cent of the population who had previously lived in dispersed homesteads, near the fields they cultivated and where they pastured their livestock. Households headed by women, children, and the elderly appear to have suffered most from this policy because they are least able to provide the resources needed to build new houses in the *imidugudu*. Thousands of persons who once lived in solid homes surrounded by their fields now live in temporary shelters made of leaves, wood, and bits of plastic. Many of them have to walk further each day to get to their fields, to fetch water or firewood, or to go to school.

The Special Representative of the High Commissioner, Mr. Michel Moussalli, drew attention to the controversial nature of this rural resettlement policy in his February 2000 report. He described having visited a resettlement site where twenty families complained that they had been forced to destroy their houses and move against their will.

The government originally envisioned rural resettlement as part of a larger economic development policy to concentrate landholding in the hands of a smaller part of the population. Under this plan, many former landholders would become salaried laborers on the land of others or would work in some other occupation.

When hundreds of thousands of refugees returned to Rwanda in late 1996 and early 1997, the government linked rural resettlement to the housing crisis precipitated by their return. Officials often mentioned the Arusha Accord on the return of refugees as justification for rural resettlement when in fact the relevant provisions of the Accord refer only to resettlement of returned refugees in *imidugudu* and say nothing about enforcing this living pattern on other Rwandans.

Following an insurgency in northwestern Rwanda in 1997-1998, the government implemented rural resettlement in that region, justifying it in part on the grounds of "national security." A similar justification has since been used in other parts of Rwanda where insurgents never threatened the population. Even in 1997-1998 in the northwest, such a justification had little merit and any semblance of need for such measures in the interest of national security has long

since ended. The Rwandan government itself has repeatedly stressed the complete security which now prevails in the country. Any restriction of freedom to choose one's residence because of national security is permissible only for the duration of the crisis and so is necessarily temporary, but the Rwandan government has stated clearly that relocation to *imidugudu* is meant to be permanent.

Speaking of the right to housing as specified in the ICESCR, the Committee on Economic, Social, and Cultural Rights held that "instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with international law."¹ According to article 12 of the ICCPR, the state may interfere with the freedom of movement and choice of housing only on the grounds of "national security, public order (*ordre public*), public health or morals or the rights and freedoms of others." None of these justifications is relevant in this case.

A state may restrict the right to freedom of movement and of choice of residence, but only as provided by law.² The requirement that all rural-dwellers live in *imidugudu* resulted from a simple decision by the Council of Ministers and was implemented by ministerial instructions. It was never formalized in law or examined as required by the Constitutional Court.

In addition, the Arusha Accords guaranteed refugees who returned to Rwanda the right to settle in a place of their choice, provided they did not violate the rights of others. By compelling those who would prefer to live elsewhere to live in *imidugudu*, the government violates its own law as provided in protocol V, article 2, of the Accords.

Tens of thousands, perhaps hundreds of thousands, of homeless persons moved voluntarily to *imidugudu* in order to benefit from houses which have been built or housing materials that have been provided for them there. But satisfying their needs did not require dispossessing tens of thousands of others from their homes nor does it excuse the violation of the rights of those forced to move against their will.

¹United Nations, Committee on Economic, Social and Cultural Rights, General Comment No. 4 (1991) of the Committee on Economic, Social and Cultural Rights on the right to adequate housing (art. 11 (1) of the Covenant), December 12, 1991, paragraph 18.

²ICCPR, Article 12 (3).

In his February 2000 report, the Special Representative noted that a presidential adviser had assured him that "no Rwandans will be forced into villages against their will" and he expressed the hope that this would become formal government policy. The rate of movement into *imidugudu* has certainly slowed, in part because the international assistance that paid for housing in many new settlements also diminished. But residents of some areas are still being made to move against their will and those forced to move in the past and now living in *imidugudu* continue to suffer from the violation of their rights.

The Commission should deplore the violations of the right to choice of housing that have resulted from the Rwandan rural resettlement policy. It should urge the Rwandan government to halt forced removals of homeowners and to allow those who wish to return to their previous dwellings to do so. It should request the Special Representative to examine once again the questions he raised in his February 2000 report and to inform the Commission of the results of his inquiry.
